APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,165	12/14/2001	Assaf Morag	050704/319163	7381

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/017,165	MORAG ET AL.
	Examiner	Art Unit	
	Rachel L. Porter	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080105

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the application filed 12/14/01. Claims 1-42

are pending.

Information Disclosure Statement

2.   The information disclosure statements (IDS's) submitted on 4/05/07 and 4/25/07

have been entered and considered by the examiner.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4.   Claims 6-13,20-28,34-37, and 41-42 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

The use of the "and/or" phrase renders the claim vague and indefinite because it

is unclear which features are required as a part of the claimed invention. In other words,

it is not clear whether one or both of the listed features are required for the claimed

invention. For the purpose of applying art, the Examiner will interpret "and/or" as "or"

and apply art according.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by

Teagarden et al (US 6014631A)

[claim 1] Teagarden discloses a method of providing professional services, the method

comprising the following performed by a data processing system:

- accepting entry of information associated with a matter of a person, wherein the

  information is entered via a client device in communication with the data processing

  system; (Figure 9; col. 13, lines 4-18)

- assigning the person to one of a plurality of pools of people based on the

  entered information; (col. 15, lines –col.16, line 7)

- allowing a professional services provider qualified to advise people in the assigned

  pool to view the entered information; and (col. 14; lines 50-65; col. 16, lines 8-25)

- providing a secure area within which the professional services provider

  provides information about the matter, wherein the secure area is accessible

  by the person via the client device. (col. 15, lines 12-24; col. 14; lines 50-65)

[claim 2]   Teagarden discloses the method according to claim 1, further comprising

allowing the person to access the secure area and view the information provided by the

professional services provider. (col. 16, lines 26-35)

[claim 3]   Teagarden discloses the method according to claim 1, further comprising

notifying the person that the professional services provider has provided information

about the matter within the secure area. (col. 16, lines 26-35; 49-60)

[claim 4]   Teagarden discloses a method according to claim 1, wherein the information

is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 5] Teagarden discloses a method according to claim 1, further comprising the

following performed prior to accepting entry of information associated with a matter of a

person: identifying the person; and verifying that the person is eligible to

receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 6] Teagarden discloses a method according to claim 1, wherein assigning the

person to a pool is based upon one or more attributes of the person or one or more

attributes of the professional services provider. (see Abstract, col. 16, lines 1-7; 20-38)

[claim 7] Teagarden discloses a method of providing healthcare services to patients,

the method comprising the following performed by a data processing system:

- accepting entry of information about a medical condition of a patient, wherein the

  information is entered via a client device in communication with the data

  processing system;(Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65)

- assigning the patient to one of a plurality of pools of patients based on the entered patient information; (col. 15, lines –col.16, line 7)

- allowing a healthcare provider qualified to treat patients in the assigned pool to view the patient information; (col. 14; lines 50-65; col. 16, lines 8-25)

- and providing a secure area within which the healthcare provider provides a diagnosis or treatment recommendation for the medical condition of the patient, wherein the secure area is accessible by the patient via the client device. (col. 15, lines 12-24; col. 14; lines 50-65)

[claim 8] Teagarden discloses the method according to claim 7, further comprising allowing the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider. (col. 16, lines 26-35)

[claim 9] Teagarden discloses the method according to claim 7, further comprising notifying the patient that the healthcare provider has provided a diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col. 16, lines 26-35; 49-60)

[claim 10] Teagarden discloses the method according to claim 7, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 11] Teagarden discloses the method according to claim 7, wherein a treatment recommendation provided by the healthcare provider includes a medication prescription, and further comprising communicating the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 12]   Teagarden discloses the method according to claim 7, further comprising the following performed prior to accepting entry of information about a medical condition of a patient: identifying the patient; and verifying that the patient is eligible to receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim 13] Teagarden teaches the method according to claim 7, wherein assigning the patient to a pool is based upon one or more attributes of the patient or one or more attributes of the healthcare provider. (see Abstract, col. 16, lines 1-7; 20-38)

[claim14] Teagarden teaches the method according to claim 8, wherein allowing the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider comprises allowing the patient to select a specific medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

[claims 15-20]

System claims 15-20 repeat the subject matter of claims 1-6 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Teagarden in the above rejection of claims 1-6, it is readily apparent that the Teagarden reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 1-6, and incorporated herein.

[claims 21-28]

System claims 21-28 repeat the subject matter of claims 7-14 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Teagarden in the above rejection of claims 7-14, it is readily apparent that the Teagarden reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 7-14, and incorporated herein.

[claim 29] Teagarden teaches a computer program product that facilitates the provision of professional services, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information associated with a matter of a person, wherein the information is entered via a client device in communication with the data processing system; (Figure 9; col. 13, lines 4-18)

- computer readable program code that assigns the person to one of a plurality of pools of people based on the entered information; (col. 15, lines –col.16, line 7)

- computer readable program code that allows a professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-65; col. 16, lines 8-25)

- computer readable program code that provides a secure area within which the professional services provider provides information about the matter, wherein the

secure area is accessible by the person via the client device. (col. 15, lines 12-24; col. 14; lines 50-65)

[claim 30] Teagarden discloses a computer program product according to claim 29, further comprising computer readable program code that allows the person to access the secure area and view the information provided by the professional services provider. (col. 16, lines 26-35)

[claim 31] Teagarden discloses a computer program product according to claim 29, further comprising computer readable program code that notifies the person that the professional services provider has provided information about the matter within the secure area. (col. 16, lines 26-35; 49-60)

[claim 32]   Teagarden discloses a computer program product according to claim 29, wherein the information is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 33] Teagarden discloses the computer program product according to claim 29, further comprising:

computer readable program code that identifies the person; and computer readable program code that verifies that the person is eligible to receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 34]   Teagarden discloses the computer program product according to claim 29, wherein the computer readable program code that assigns the person to a pool comprises computer readable program code that assigns the person to a pool based

upon one or more attributes of the person or one or more attributes of the

professional services provider. (see Abstract, col. 16, lines 1-7; 20-38)

[claim 35] Teagarden discloses a computer program product that facilitates the

provision of healthcare services to patients, the computer program product comprising a

computer usable storage medium having computer readable program code embodied in

the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information about a

  medical condition of a patient, wherein the information is entered via a client

  device in communication with the data processing system; (Figures 9, 12; col. 13,

  lines 4-18; col. 14, lines 49-65)

- computer readable program code that assigns the patient to one of a plurality of

  pools of patients based on the entered patient information; (col. 15, lines –col.16,

  line 7)

- computer readable program code that allows a healthcare provider qualified to

  treat patients in the assigned pool to view the patient information; and (col. 14;

  lines 50-65; col. 16, lines 8-25)

- computer readable program code that provides a secure area within which the

  healthcare provider provides a diagnosis or treatment recommendation for the

  medical condition of the patient, wherein the secure area is accessible by the

  patient via the client device. (col. 15, lines 12-24; col. 14; lines 50-65)

[claim 36]   Teagarden discloses the computer program product according to claim 35, further comprising computer readable program code that allows the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider. (col. 16, lines 26-35)

[claim 37]   Teagarden discloses the computer program product according to claim 35, further comprising:

computer readable program code that notifies the patient that the healthcare provider has provided a diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col. 16, lines 26-35; 49-60)

[claim 38]   Teagarden discloses the computer program product according to claim 35, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 39]   Teagarden discloses the computer program product according to claim 35, wherein a treatment recommendation provided by the healthcare provider includes a medication prescription, and further comprising computer readable program code that communicates the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 40]   Teagarden discloses the computer program product according to claim 35, further comprising: computer readable program code that identifies the patient; and computer readable program code that verifies that the patient is eligible to receive

healthcare services. (Figure 13; col. 16, lines 8-10)

[claim 41]   Teagarden discloses the computer program product according to claim 35, wherein the computer readable program code that assigns the patient to a pool comprises computer readable program code that assigns the patient to a pool based upon one or more attributes of the person or one or more attributes of the professional services provider. (see Abstract, col. 16, lines 1-7; 20-38)

[claim 42]   Teagarden discloses the computer program product according to claim 36, wherein the computer readable program code that allows the patient to access the secure area and view the diagnosis and/or treatment recommendation provided by the healthcare provider comprises computer readable program code that allows the patient to select a specific medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Colon et al (US 5,991,731) discloses a system and method for separating patient populations for treatment/ Clinical trial study.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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